BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ROBERT C.	STUEBS)
VS.	Claimant)
VS.) Docket No. 255,973
U.S.D. 409)
AND	Respondent)
KANSAS AS	SSOCIATION OF SCHOOL BOARDS Insurance Carrier))

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on July 13, 2000.

ISSUES

Respondent's Request for Board Review states that the only issue is whether claimant is temporarily totally disabled from May 20, 2000, forward. There is no issue concerning the compensability of the claim.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes it does not have jurisdiction at this point in the proceedings to determine the issue raised, and the appeal should be dismissed.

The Board concludes, as argued by claimant, that the appeal does not raise a jurisdictional issue. K.S.A. 44-534a lists jurisdictional issues. Whether claimant is or is not temporarily totally disabled is not one of the issues listed. Where other jurisdictional prerequisites are met, including notice, timely written claim, and accident arising out of and in the course of employment, the ALJ has jurisdiction to determine whether the claimant is or is not temporarily disabled. The ALJ's decision on this question is not subject to review at this stage of the proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the Order entered by Administrative Law Judge Bryce D. Benedict on July 13, 2000, should be, and the same is hereby, dismissed.

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Dated this ____ day of August 2000.

BOARD MEMBER

c: Beth Regier Foerster, Topeka, KS Frederick J. Greenbaum, Kansas City, KS Bryce D. Benedict, Administrative Law Judge Philip S. Harness, Director